REMARKS

Entry of the foregoing, re-examination and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

Claim 1 has been amended in response to issues raised in the Office Action. Claims 1, 2, 4-6 and 9-24 remain pending in this application.

Claims 1, 9-11, 15 and 16 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth in paragraph (16) of the Office Action. Without conceding the propriety of this rejection, and in an effort to expedite prosecution, claim 1 has been amended to more clearly recite and distinctly claim a preferred embodiment of the invention. Accordingly, this rejection has been obviated and should be withdrawn.

Claims 1, 9-11, 15 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,736,465 to Stahl et al for the reasons given in paragraph (18) of the Office Action. Reconsideration of this rejection is respectfully requested for at least the reasons which follow.

The present application is directed to a spunbonded non-woven fabric manufactured from fibers prepared from a composition comprising 99.995 to 99.7 wt.% of a polypropylene and 0.005 to 0.3 wt.% of a lubricant, wherein the lubricant is composed of 70 to 100 wt.% of a vinylidene fluoride/hexafluoropropylene copolymer and 0 to 30 wt.% of at least one inorganic compound exemplified by those disclosed on page 13 of the

specification. The presence of this lubricant is important if the desired properties of the fabric are to be attained.

Fibers manufactured from resin compositions containing no lubricant exhibit rough surfaces as indicated in Comparative Examples 1 and 2 of the present application. When calcium stearate is used as a lubricant, smoke evolution at the spinning nozzle may occur as shown in Comparative Example 3. When a non-woven fabric is prepared from fibers made of a polypropylene resin containing no lubricant, the fabric exhibits inferior material properties such as average friction factor, thickness uniformity, waterproof performance and gas permeability, as shown in Comparative Example 4 and in Table 1 of the present application. Further, as shown in Comparative Example 5, the use of only polypropylene will result in break-down of filaments when the velocity of the air jet drawing-up upon spinning is increased.

Stahl et al '465 does not disclose or suggest fibers prepared from polypropylene compositions containing a lubricant as defined in currently amended claim 1. Since claims 2, 4-6 and claims dependent thereon were not rejected on this ground, it is clear that the §103(a) rejection based on Stahl et al '465 alone is inapplicable to amended claim 1 and its dependent claims. Accordingly, this rejection should be withdrawn.

Claims 2, 4-6, 12-14 and 19-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Stahl et al '465 in view of JP 11-012400 for the reasons presented in paragraph (19) of the Office Action. Reconsideration and withdrawal of this rejection are respectfully requested for at least the following reasons.

Applicant submits that JP '400 is unavailable as a reference under 35 U.S.C. §102(a) or (b) based upon the following. The present application was filed pursuant to 35 U.S.C. §371 and is entitled to the benefit of the filing date of PCT/JP00/00219, i.e. January 19, 2000. JP '400 was published on January 19, 1999. The present inventor, Michio TORIUMI, is also the sole inventor listed in the JP '400 document. A copy of the translated document is attached. Since the JP '400 document was not published more than one year prior to the international filing date of the present application, the document is not available under 35 U.S.C. §102(b).

Moreover, the Applicant's disclosure of his own work within a year before the filing of this application cannot be used against him under 35 U.S.C. §102(a). Note M.P.E.P. Section 2132.01 (page 2100-75, Rev. 1, Feb. 2003), copy attached. The term "others" in §102(a) refers to a different inventive entity. This holds true for all types of references eligible as prior art under 35 U.S.C. §102(a) including publications as well as public knowledge and use. Any other interpretation of 35 U.S.C. §102(a) "would negate the one year [grace] period afforded under §102(b)." M.P.E.P. Section 2132 (page 2100-74, Rev. 1, Feb. 2003), copy attached.

Since the JP '400 document is unavailable as a reference, the §103(a) rejection based on Stahl et al '465 in view of JP '400 should be withdrawn. Such action is earnestly requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If the Examiner has any questions, he is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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Date: November 3, 2003

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